



Telecom Decision CRTC 2017-432

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Bell Canada – Application to review and vary a portion of Telecom Decision 2017-56 regarding final terms and conditions for wholesale mobile wireless services

Background

1. In Telecom Regulatory Policy 2015-177, the Commission determined that it was necessary to mandate the provision of Global System for Mobile communications (GSM)-based wholesale roaming services (mandated wholesale roaming) by Bell Mobility Inc. (Bell Mobility), Rogers Communications Canada Inc. (RCCI),¹ and TELUS Communications Inc. (TCI)² [collectively, the national wireless carriers] to other Canadian wireless carriers (wholesale roaming customers) and to regulate the rates, terms, and conditions for such services.
2. The Commission therefore directed the national wireless carriers to issue interim tariff pages reflecting the determinations established in Telecom Regulatory Policy 2015-177, and indicated that final approval would follow a thorough review of the proposed tariffs.
3. The national wireless carriers filed their proposed tariff pages reflecting the Commission's determinations set out in Telecom Regulatory Policy 2015-177. The Commission subsequently issued Telecom Decision 2017-56, in which it identified changes to be made to the proposed final terms and conditions for mandated wholesale roaming. The Commission also directed the national wireless carriers to refile their respective proposed revised tariff pages, incorporating specific changes to their terms and conditions.

¹ RCCI holds all the business activities, including assets and liabilities, of the former Rogers Communications Partnership, which ceased to exist on 1 January 2016. For ease of reference, "RCCI" is used in this decision.

² In the proceeding leading to Telecom Regulatory Policy 2015-177, submissions were received from TELUS Communications Company (TCC). However, effective 1 October 2017, TCC's assets were legally transferred to TCI and TCC ceased to exist. For ease of reference, "TCI" is used in this decision.

Application

4. The Commission received an application from Bell Canada, dated 10 April 2017, in which the company requested that the Commission review and vary one of the directives set out in Telecom Decision 2017-56.
5. Bell Canada cited Bell Mobility's proposed language for item 100.15.(a) – Equipment Identity Register in the National Wireless Roaming Service Section of its Access Services Tariff [item 100.15.(a)]:

The Operator acknowledges that the Company has an equipment identity register (“EIR”) program. If any Device belonging to a Roaming Customer is identified as being stolen or unauthorized equipment that is registered in the Company's EIR or in another EIR registry program in which the Company participates, then the Company shall be entitled to prevent usage of such equipment on the Company Available PMN [public mobile network]. In the event the Company notifies the Operator of any Devices that have been used for Roaming which the Company believes have been stolen or are unauthorized, then the Operator shall use commercially reasonable efforts to investigate the registration of the Device and, where appropriate, suspend such Devices.

6. In Telecom Decision 2017-56, the Commission directed Bell Mobility to delete the second sentence of item 100.15.(a) on the basis that the matter is sufficiently addressed by the third sentence. Bell Canada argued that the second sentence is required, and that the subject is not replaced or otherwise addressed by the remaining text of that section, or any other section, of Bell Mobility's tariff. Bell Canada submitted that the second sentence simply informs wholesale roaming customers of the fact that any blocking of devices based on the EIR is automated.
7. According to Bell Canada, the third sentence of item 100.15.(a) refers to a different matter, wherein Bell Mobility would tell the wholesale roaming customer that there is a stolen or unauthorized device roaming on Bell Mobility's public mobile network that, for some reason, is not captured by automated blocking and that requires the wholesale roaming customer to take measures to block it from accessing the network. Bell Canada submitted that the scenario described by the third sentence would be quite rare and that Bell Mobility's tariff is designed to address any special circumstances warranting notification.
8. Bell Canada submitted that there is substantial doubt as to the correctness of the Commission's directive because the Commission erred in fact by determining that the second sentence as originally proposed can be deleted and that the matter is sufficiently addressed by the third sentence. Accordingly, Bell Canada requested that the Commission reverse its directive requiring Bell Mobility to delete the second sentence of item 100.15.(a), and that Bell Mobility be permitted to reinstate the sentence as originally proposed.

9. The Commission received interventions regarding Bell Canada's application from Bragg Communications Incorporated, carrying on business as Eastlink; Freedom Mobile Inc.; Quebecor Media Inc., on behalf Videotron G.P.; RCCI; and TCI. The public record of this proceeding, which closed on 25 May 2017, is available on the Commission's website at www.crtc.gc.ca or by using the file number provided above.
10. All interveners supported Bell Canada's application. Furthermore, RCCI and TCI requested that, as part of the Commission's ongoing process to approve the final terms and conditions for mandated wholesale roaming, the Commission permit all the national wireless carriers to include in their tariffs a provision similar to the one requested by Bell Canada.

Commission's analysis and determinations

11. In Telecom Information Bulletin 2011-214, the Commission outlined the criteria it would use to assess review and vary applications filed pursuant to section 62 of the *Telecommunications Act*. Specifically, the Commission stated that applicants must demonstrate that there is substantial doubt as to the correctness of the original decision, for example due to (i) an error in law or in fact, (ii) a fundamental change in circumstances or facts since the decision, (iii) a failure to consider a basic principle which had been raised in the original proceeding, or (iv) a new principle which has arisen as a result of the decision.
12. In Telecom Decision 2017-56, the Commission directed Bell Mobility to delete the proposed second sentence of item 100.15.(a), stating that the third sentence was sufficient to address the matter. However, a further review indicates that the second and third sentences do in fact address different topics.
13. As noted by Bell Canada, the second sentence of item 100.15.(a) would give Bell Mobility the right to prevent a stolen or unauthorized device that is registered in the company's EIR from being used on its public mobile network. Under the third sentence, Bell Mobility would inform the wholesale roaming customer to take measures to block a device from accessing the company's public mobile network when Bell Mobility becomes aware of the presence of a device on its public mobile network that is stolen but not in the EIR.
14. In light of the above, the Commission finds that it erred in fact with regard to its determination on item 100.15.(a), and **approves** Bell Canada's application to review and vary this portion of Telecom Decision 2017-56. The Commission therefore rescinds its directive for Bell Mobility to delete the proposed second sentence of item 100.15.(a).
15. Further, the Commission permits RCCI and TCI to include a provision similar to the one in Bell Mobility's item 100.15.(a) in their respective tariffs for mandated wholesale roaming.

Secretary General

Related documents

- *Wholesale mobile wireless roaming service tariffs – Final terms and conditions*, Telecom Decision CRTC 2017-56, 1 March 2017
- *Regulatory framework for wholesale mobile wireless services*, Telecom Regulatory Policy CRTC 2015-177, 5 May 2015
- *Revised guidelines for review and vary applications*, Telecom Information Bulletin CRTC 2011-214, 25 March 2011